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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|-------------|----------------------|---------------------|------------------|
| 10/068,561 | 02/05/2002 | Qinghuang Geng | PIL0074/US | 6943 |
| 33072 | 7590 | 12/01/2003 | EXAMINER | |
| KAGAN BINDER, PLLC SUITE 200, MAPLE ISLAND BUILDING 221 MAIN STREET NORTH STILLWATER, MN 55082 | | | TRAN LIEN, THUY | |
| | | | ART UNIT | PAPER NUMBER |
| | | | 1761 | |

DATE MAILED: 12/01/2003

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Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary

Application No.

10/068,561

Applicant(s)

GENG ET AL.

Examiner

Lien T Tran

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 February 2002.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-31 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-31 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other: _____

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The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 1-31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Geng et al (6180151) in view of Orosa et al (6277423) and Brumm.

Geng et al disclose an extrusion method to obtain leavened dough products. The method comprises the step of extruding a mixture comprising flour, water and chemical leavener. The extrusion temperature is less than about 145 degree F and is used to produce a variety of dough products. The products can be unfilled dough products such as bread sticks, biscuits, muffins or filled products such as pizza rolls. Following extrusion, the raw dough product can be cooked by frying, boiling, baking or microwave cooking. The dough can be refrigerated or frozen before or after cooking. For filled dough products, the filling can be dispensed within the extruder and sealed to form the completed product; the filling can be incorporated following the extrusion

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process. The dough comprises 48-80% flour, less than about 10% leavener and from about 18-45% water. (see columns 2-6)

Geng et al do not disclose the specific volume of the product, the crumb color of the product, adding pregelatinized starch having the amylopectin content as claimed and making a filled product by laminating.

Orosa et al disclose a process of making fried snack dough. They teach to add about 2-25% of pregelatinized starch to the dough. The starch helps to develop the dough strength, provides a firm definition to the dough and helps to control the expansion of the dough during frying. A preferred starch to use is modified waxy corn starch. (see column 4 lines 39-45)

Brumm discloses waxy corn starch has up to about 98-100% amylopectin. (see col. 2 lines 39-40.

It would have been obvious to one skilled in the art to add pregelatinized waxy corn starch to the Geng et al dough composition to obtain the benefit taught by Orosa et al. The waxy corn starch disclosed by Orosa et al has the amount of amylopectin claimed as shown by the Brumm reference. It would also have been obvious to make filled product by laminating the dough layers; this, is notoriously well known in the art such as the making of ravioli, or dumpling etc.. As the color, the dough product of Geng et al contains the same ingredients and the range falls within the range claimed; thus, it is obvious the dough will have the same color. The volume of the product can vary depending on the type of product, the amount of leavener used and the texture wanted. It would have been obvious to one skilled in the art to vary the amount of leavener

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depending on the type of product made to obtain a specific volume which would give the most optimum texture. This can readily be determined through routine experimentation.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lien T Tran whose telephone number is 703-308-1868. The examiner can normally be reached on Tuesday, Wednesday and Friday. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0661.

November 26, 2003

Lien Tran
LIEN TRAN
PRIMARY EXAMINER
Group 1700